IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.499 OF 2004
IN
WRIT PETITION NO.3310 OF 1991

The Cuffe Parade Sea
Lord Cooperative Hsg.
Society Ltd. ..Applicants/
Petitioners.

Vs.

Satishchandra Agarwal
& Ors. ..Respondents.

Ms.Rukhsana S. Peerbhoy, Advocate for the Applicants /Petitioners.

None for the Respondents.

CORAM: S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.

DATED: 21ST SEPTEMBER, 2004

P.C. :

Heard the learned counsel for the Petitioner. None appears for the Respondents.

2. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of order dated 19th July, 2004 dismissing the Petition in default. There is no case of inaction, negligence or want of

bonafide.

3. The learned counsel for the Petitioner tenders an affidavit of service. The same is taken on record.

4. In the aforesaid facts and circumstances, Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (e) subject to the condition that the Petitioner shall deposit a sum of Rs.1000/- with the Maharashtra State Legal Services Authority within a period of two weeks from today, as condition precedent.

5. Place the Writ Petition on board for final hearing on 11th October, 2004.

(S.Radhakrishnan, J.)

(S.J.Vazifdar, J.)